

## UNITED STATES DISTRICT COURT

for the

District of Nebraska

United States of America

v.

Gerard A. Kimsey

Case No: 8:08CR359

USM No: 22576-047

Date of Original Judgment: 04/08/2009

Date of Previous Amended Judgment: 04/04/2012

(Use Date of Last Amended Judgment if Any)

Kelly M. Steenbock

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 188 months is reduced to 151 months.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 04/08/2009 shall remain in effect.

IT IS SO ORDERED.

Order Date: 09/17/2015

Effective Date: 11/02/2015

(if different from order date)



Judge's signature

Laurie Smith Camp, Chief U.S. District Judge

Printed name and title

**This page contains information that should not be filed in court unless under seal.**  
**(Not for Public Disclosure)**

Gerard A. Kimsey

DEFENDANT: \_\_\_\_\_

CASE NUMBER: 8:08CR359

DISTRICT: District of Nebraska

**I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)**

Previous Total Offense Level:	<u>33</u>	Amended Total Offense Level:	<u>29</u>
Criminal History Category:	<u>VI</u>	Criminal History Category:	<u>VI</u>
Previous Guideline Range:	<u>235</u> to <u>293</u> months	Amended Guideline Range:	<u>151</u> to <u>188</u> months

**II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE**

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

**III. ADDITIONAL COMMENTS**

The Defendant's Unopposed Motion to Reduce Sentence - USSC Amendment (Filing No. 55) is granted and the parties' Stipulation regarding the Unopposed Motion to Reduce Sentence - USSC Amendment (Filing No. 56) is approved.